

### **Remarks**

In the present response, claims 1-16 and 18-28 are presented for examination.

#### **Claim Rejections: 35 USC § 112**

Claims 18 and 19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite and ambiguous for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is cured since claim 18 is amended as suggested by the examiner (computing a desired delay by determining a distance between the head of the person and the particular means for reproducing to determine a result and dividing the result by the speed of sound).

#### **Claim Rejections: 35 USC § 103(a)**

Claims 1-9 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over US publication number 2003/0067536 (Boulanger) in view of USPN 6,639,989 (Zacharov). These rejections are traversed.

Claims 1-9 and 20 recite one or more elements that are not taught or suggested in Boulanger in view of Zacharov. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, independent claim 1 recites that the means for reproducing is time delayed based on the position of the person to maintain equal arrival times of the sounds to the person as the person moves around to different locations at the second location. The Examiner admits that “Boulanger et al. fail to disclose of the specific wherein the audio signals for reproducing is time delayed based on the position of the person” (see OA mailed 11/18/08 at p. 4). Applicants agree with this admission. The Examiner, however, cites Zacharov at column 2, lines 5-20 for teaching time delay. Applicants respectfully traverse.

Zacharov at column 2, lines 5-20 states that “by changing delay times of each loudspeaker 102, 103a, 104a, 105a, 106a so that sound meant to be heard simultaneously are 15 transmitted at different times by each loudspeaker so that the sounds arrive to the

listening position 101 simultaneously.” In Zacharov, this time delay occurs at a specific stationary location. Nowhere does Zacharov teach or even suggest that such a time delay occurs **as the person moves around to different locations**.

The combination of Boulanger and Zacharov teach that time delay would be calibrated only for a stationary position of the person and not as the person moves around to different locations. In other words, Boulanger and Zacharov fail to teach or suggest time delayed based on the position of the person to maintain equal arrival times of the sounds to the person as the person moves around to different locations at the second location. In fact, neither Boulanger nor Zacharov teach any means (circuitry, method, system, etc.) for being able to achieve a time delay as the person moves around the location of a telepresence system.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

**Claim Rejections: 35 USC § 103(a)**

Claims 14-16 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over US publication number 2003/0067536 (Boulanger) in view of USPN 6,639,989 (Zacharov) and USPN 6,553,272 (Lau). These rejections are traversed.

As explained above, Boulanger in view of Zacharov fails to teach or suggest all elements of independent claim 1. Lau fails to cure these deficiencies. For at least these reasons, claims 14-16 and 18-19 are allowable.

**Claim Rejections: 35 USC § 103(a)**

Claims 21-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over US publication number 2003/0067536 (Boulanger) in view of USPN 6,553,272 (Lau). These rejections are traversed.

Claims 21-24 recite one or more elements that are not taught or suggested in Boulanger in view of Lau. These missing elements show that the differences between the

combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, independent claim 21 recites modifying the audio signals to achieve a time delay of the sounds emitted by the plural means for reproducing to maintain equal arrival times of the sounds to the person as the person moves around to different locations at the second location. This claim element is not taught in the art of record.

As noted above, the Examiner admits that “Boulanger et al. fail to disclose of the specific wherein the audio signals for reproducing is time delayed based on the position of the person” (see OA mailed 11/18/08 at p. 4). Applicants agree with this admission. The Examiner, however, cites Zacharov at column 2, lines 5-20 for teaching time delay. Applicants respectfully traverse.

Zacharov at column 2, lines 5-20 states that “by changing delay times of each loudspeaker 102, 103a, 104a, 105a, 106a so that sound meant to be heard simultaneously are 15 transmitted at different times by each loudspeaker so that the sounds arrive to the listening position 101 simultaneously.” In Zacharov, this time delay occurs at a specific stationary location. Nowhere does Zacharov teach or even suggest that such a time delay occurs **as the person moves around to different locations**.

Lau teaches methods and apparatus for audio signal channel muting. Lau is silent on time delays as recited in claim 21.

The combination of Boulanger, Zacharov, and Lau teach that time delay would be calibrated only for a stationary position of the person and not as the person moves around to different locations. In other words, Boulanger, Zacharov, and Lau fail to teach or suggest time delayed based on the position of the person to maintain equal arrival times of the sounds to the person as the person moves around to different locations at the second location. In fact, neither Boulanger nor Zacharov nor Lau teach any means (circuitry, method, system, etc.) for being able to achieve a time delay as the person moves around the location of a telepresence system.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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